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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,022	10/07/2003	Robert Beach	A35065	4732

30636 7590 12/18/2007  
FAY KAPLUN & MARCIN, LLP  
150 BROADWAY, SUITE 702  
NEW YORK, NY 10038

EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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12/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/680,022	<b>Applicant(s)</b> BEACH ET AL.	
	<b>Examiner</b> Tilahun B. Gesesse	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-13 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 14-17, 21-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 10/9/07 have been fully considered but they are not persuasive.

On page 2, second paragraph of response applicant agreed that Shostak discloses a central processing unit (CPU) that controls the operation of the device and each of its components –for example, CPU 58 may be programmed to keep the receiver 54 awake for a predetermined period of time for transmit a message to the central computer 36.

On page 2, second paragraph of response , applicant argued that Shostak fails to teach periodically power down the transmitter and receiver for selected time interval at a period corresponding to selected period of transmitting and receiving audio information.

The examiner disagrees. Shostak teaches access points (38a and 38b) transmitting to plurality of wireless device (32a-1) (see figures 10-11). Further more, Shostak teaches time line for three devices (see figure 12,) device 1, asleep which its receiver has no power therefore, device 1 is in power saving mode( see page 7, para 0067 and figure 12) and device 2, is awake through out t1-t4) to receive broadcast voice packet (see page 7 , para 0068 and figure 12) and so on for device 3, (see page 7 paragraph 0069 –0071).

On page 3, second paragraph of response, applicant argued that

Art Unit: 2618

Shostak does not teach programmed to control operation of the transmitter and receiver for selected time intervals at a period corresponding to selected period of transmitting and receiving audio information.

The examiner disagrees. Shostak teaches access points (38a and 38b) transmitting to plurality of wireless device (32a-1) (see figures 10-11). Further more, Shostak teaches time line for three devices (see figure 12,) device 1, asleep which its receiver has no power therefore, device 1 is in power saving mode( see page 7, para 0067 and figure 12) and device 2, is awake through out t1-t4) to receive broadcast voice packet (see page 7 , para 0068 and figure 12) and so on for device 3, (see page 7 paragraph 0069 –0071).

To sum up, applicant's argument in view of the applied prior art , the applicant argument is moot, therefore, the final rejection is proper and maintained.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2618

2. Claims 11-13,18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Shostak (US 2004/0043797)

Claims 11 and 18, Shostak teaches a mobile unit for providing communications

in a wireless data communications network wherein data is transmitted from access

points to mobile units in data packets, (see abstract and page 5, paragraph 0042-0044

and figure 5I)

Shostak teaches a receiver for receiving radio signals including at least audio

data packets from the access point, the at least audio data packets corresponding to a

selected period of at least audio information(see page 5 paragraph 0044 and figure 5I)

Shostak teaches a transmitter for transmitting signals to the access point (see page 5 paragraph 0042-0044 and figure 5I).

Shostak teaches a processor for processing the audio data packets and for providing output audio data (see page 5 paragraph 0044).

Shostak teaches the processor is programmed to control operation of the transmitter and receiver and to periodically power down the transmitter and receiver for selected time intervals at a period corresponding to the selected period of audio information (see page 5 paragraph 0044)

Shostak teaches a digital to analog converter and an audio output circuit for providing output audio corresponding to the audio data packets (see page 5

Art Unit: 2618

paragraph 0043 and figure 5I)

Claims 12, 19 Shostak teaches a mobile unit as specified in claim 11 the processor is arranged to cause the transmitter to transmit a polling signal to the access point at the period corresponding to the elected period of audio

Information (see page 5 paragraph 0044 and paragraphs 0002 , 0051 and 0053).

Claims 13, 20 , Shostak teaches a mobile unit as specified in claim 11, the processor is arranged to operate at first and second clock rates, and wherein the processor is operated at a lower clock rate during second intervals, which are a selected

portion of said period (see paragraphs 0004, 0064 and 0069)

### ***Allowable Subject Matter***

3. Claims 14-17, 221-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-10 are allowable over the prior art of record. The following is an examiner's statement of reasons for allowance: the prior art does not teach accumulating of at least audio signal data in said mobile unit for a time interval corresponding to the selected period of time to form at least audio representative transmit data packets; buffering at least audio representative receive data packets at said access point. These limitation , in conjunction with all other limitations, has not been disclosed , taught or made obvious over the prior art of record.

Art Unit: 2618

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on 571-272-4177.

The Central FAX Number is 571-273-8300. For patent related

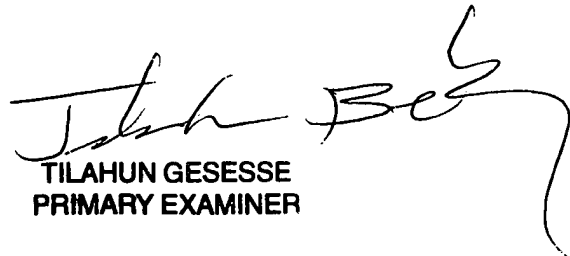
Art Unit: 2618

correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

December 13, 2007

  
TILAHUN GESESSE  
PRIMARY EXAMINER